From: contact@ascionline.org
Subject: ASCI Complaint Acknowledgement
Date: 26 April 2019 at 9:18 AM
To: [redacted]
Cc: contact@ascionline.org

Dear Dr. Prashanth N S,

Re: CCC Recommendation on 1902-C.2547 –Complaint against the Website Advertisement of "AIMIL Pharmaceuticals (I) Ltd.– Lukosin",

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The complaint was considered by the Consumer Complaints Council (CCC) at their meeting.

The ASCI approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat which they did not avail, but submitted their written response. The advertiser stated that their claim is based on an agreement between the Defence Research & Development Organisation (DRDO) and the advertiser. The advertiser stated that access to the studies may be gained by contacting the Director, DRDO Pithoragarh, Uttarakhand. As claim support data, the advertiser submitted composition details of their product, package label details, extracts of the agreement between the Defence Research & Development Organisation (DRDO) and the advertiser, and copies of the website advertisement. The CCC viewed the website advertisement (http://www.aimilpharmaceuticals.com/product/lukoskin/) and observed that it is an Ayurvedic product used to treat vitiligo. The website advertisement makes references to the Defence Research and Development Organisation (DRDO) of India, a Government Institution, by claiming "A great research breakthrough from DRDO…..", "Research Product of Ministry of Defence…." and "Brings revolution in Skin Health Care in association with AIMIL", "Over 40,000 patients benefitted" etc. The CCC noted that the extract of the agreement between DRDO and AIMIL states that the product will have the following markings – ""Product Developed by DRDO", or words to this effect". However, the advertiser has used many other claims contrary to the one suggested in the agreement. The advertiser did not provide any evidence of DRDO having approved the specific product artwork or web-site claims appearing in conjunction with reference to DRDO. Additionally, the website advertisement was also in violation of the AYUSH advisory (dated September 27, 2018) which refrains advertisers / advertising agencies from using the name of Government department and institutions in the advertisements of Ayurveda, Siddha, Unani and Homeopathy Drugs. Based on this observation, the CCC concluded that the text used in the advertisement in reference to DRDO in the website advertisement is misleading by ambiguity, implication, and exploits consumers' lack of knowledge and is likely to lead to grave or widespread disappointment in the minds of consumers. The website advertisement contravened Chapters I.4, I.5 and III.4 of the ASCI Code. The complaint was **UPHELD**.

The CCC recommended that for queries pertaining to the quality of the efficacy or safety studies by DRDO, the complainant may approach DRDO directly or approach the Ministry of AYUSH. The CCC noted that the complainant has indicated that he/she is also approaching the concerned regulatory bodies.

We have advised the advertiser to withdraw or modify the said advertisement by **6th May 2019.** You may note that while ASCI believes in persuasion to ensure self-regulation in advertising content, in case of continued non-compliance, alternate remedies are available to complainants to approach other appropriate forum such as State Licensing Authority, State Consumer Forum or National Consumer Disputes Redressal Commission (NCDRC).

Thank you for having referred this complaint to us.

Assuring you of our services in the pursuit of Self-Regulation in Advertising.

Yours faithfully,

R. Dharod
Executive - Complaints Handling.
The Advertising Standards Council of India.